

Appl. No. 10/673,659
Docket No. 9372
Amdt. dated March 14, 2007

REMARKS

Claim Status

Claims 1-9 and 24 are currently under consideration. No additional claims fee is believed to be due.

Claim 1 has been amended to recite that embossed sites are non-densified and that non-embossed sites are densified. Support for the amendment is found at page 7, lines 8-10 of the specification.

Claim 24 has been amended to recite that embossed sites are non-densified and that non-embossed sites are densified. Support for the amendment is found at page 7, lines 8-10 of the specification.

Claims 10-23 and 25 have been withdrawn as a result of an earlier restriction requirement.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Double Patenting over U.S. Pat. App. No. 10/950,706

The Examiner has rejected to Applicants' Claims 1-9 and 24 on the ground of non-statutory obviousness-type double patenting over Claims 1-9 and 24 of U.S. Pat. App. No. 10/950,706. In order to expedite prosecution of the instant Application and pursuant to M.P.E.P. §1490, Applicants enclose an appropriate terminal disclaimer compliant with 35 U.S.C. §253, 37 C.F.R. §1.321, and 36 C.F.R. §3.73. Applicants believe the above-referenced terminal disclaimer obviates the non-statutory double patenting rejection. Therefore, Applicants respectfully request reconsideration and withdrawal of the Examiner's rejection to Claims 1-9 and 24 herewith.

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Double Patenting over U.S. Pat. App. No. 11/225,946

The Examiner has rejected to Applicants' Claims 1-9 and 24 on the ground of non-statutory obviousness-type double patenting over Claims 1-9 and 24 of U.S. Pat. App. No. 11/225946. In order to expedite prosecution of the instant Application and pursuant to M.P.E.P. §1490, Applicants enclose an appropriate terminal disclaimer compliant with 35 U.S.C. §253, 37 C.F.R. §1.321, and 36 C.F.R. §3.73. Applicants believe the above-referenced terminal disclaimer obviates the non-statutory double patenting rejection. Therefore, Applicants respectfully request reconsideration and withdrawal of the Examiner's rejection to Claims 1-9 and 24 herewith.

Rejection Under 35 USC §102(b) Over U.S. Pat. No. 3,708,366

Claim 24 has been rejected under 35 USC §102(b) as being unpatentable over U.S. Pat. No 3,708,366 to Donnelly et al. (hereinafter "Donnelly"). This rejection is traversed on the ground that Donnelly fails to teach all of the Applicants' claimed limitations, as amended, and therefore the rejection should be withdrawn. Lindemann Maschinenfabrik GMBH v. American Hoist and Derrick Co., 221 USPQ 481, 485 (Fed. Cir. 1984).

As amended, Claim 24 recites, *inter alia*, a product comprising **non-adhesively bonded, non-densified, embossed sites and adhesively bonded, densified, non-embossed sites**, wherein the embossment sites result from the protuberances of one embossing roll engaging with the depressions of another embossing roll. Donnelly fails to teach a product wherein the non-embossed sites, and not the embossed sites have adhesive applied thereon. In fact, Donnelly teaches the opposite configuration from what is claimed. Specifically, Donnelly discloses that adhesive is applied "only in the apex portions of the embossments." (Donnelly, Col. 4, lines 23-24)

The Office Action dated February 7, 2007 argues that Fig. 3 of Donnelly is substantially the same as Fig. 1A of the instant application (Office Action dated February 7, p. 4). However, while the general shape of the products described by Fig. 3 of Donnelly and Fig. 1A of the Applicants are similar, Donnelly clearly shows adhesive (13' of Donnelly, Fig. 3) in an embossment (9' of Donnelly, Fig. 3) whereas the Applicants claim adhesive (24 of Applicants' Fig. 1A) in a bond site (20 of Applicants' Fig. 1A) which is **not** in an embossment (22 of Applicants' Fig. 1A). As amended, Claim 24

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clearly provides a physical distinction between embossed sites and non-embossed sites. Specifically, the Applicants recite that **embossed sites are non-densified and non-embossed sites are densified**. Thus, a non-densified embossed site is clearly **physically distinct** from a densified non-embossed site and as a result, a structure with adhesive on the non-embossed sites only (as is claimed) is not taught by a reference which discloses adhesive on the embossed sites only (as is taught by Donnelly). Thus, inverting Fig. 3 in Donnelly will not yield the same product as is claimed by the Applicants and illustrated in Fig. 1A because applying adhesive to a non-embossed site is novel over applying adhesive to a structurally distinct embossed site.

Therefore, Donnelly does not teach a product having non-adhesively bonded, non-densified, embossed sites and adhesively bonded, densified, non-embossed sites as is claimed by the Applicants. As a result, the Applicants respectfully submit that the rejection of Claim 24 under 35 U.S.C. §102(b) is improper and should be withdrawn.

Rejection Under 35 USC §103(a) Over U.S. Pat. No. 3,708,366
in view of U.S. Pat. No. 5,846,636

Claims 1-9 have been rejected under 35 USC §103(a) as being unpatentable over U.S. Pat. No. 3,708,366 to Donnelly et al. (hereinafter "Donnelly") in view of U.S. Pat. No. 3,846,636 to Ruppel et al. (hereinafter "Ruppel"). This rejection is traversed on the ground that Donnelly in view of Ruppel fails to establish a *prima facie* case of obviousness because Donnelly in view of Ruppel does not teach or suggest all of the claim limitations of Claim 1, and the claims dependent therefrom. MPEP §§ 2142-2143, In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

As amended, Claim 1 recites, *inter alia*, a product comprising **non-adhesively bonded, non-densified, embossed sites and adhesively bonded, densified, non-embossed sites**. Donnelly in view of Ruppel fails to teach, suggest, or disclose that the non-embossed sites, and not the embossed sites have adhesive applied thereon. In fact, Donnelly and Ruppel both teach the opposite configuration. Specifically, Donnelly discloses that adhesive is applied "only in the apex portions of the embossments." (Donnelly, Col. 4, lines 23-24) and Ruppel fails to remedy this deficiency by disclosing that application of adhesive in the embossed areas ("protrusions") (Ruppel, Col. 4, lines 52-55).

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The Office Action dated February 7, 2007 argues that Fig. 3 of Donnelly is substantially the same as Fig. 1A of the instant application (Office Action dated February 7, p. 5). However, while the general shape of the products described by Fig. 3 of Donnelly and Fig. 1A of the Applicants is similar, Donnelly clearly shows adhesive (13' of Donnelly, Fig. 3) in an embossment (9' of Donnelly, Fig. 3) while the Applicants claim adhesive (24 of Applicants' Fig. 1A) in a bond site (20 of Applicants' Fig. 1A) which is **not** in an embossment (22 of Applicants' Fig. 1A). The Office Action dated February 7, 2007 argues that it is merely semantics as to whether the Applicants call a region an embossed area or a non-embossed area and that one could merely invert the Applicants' Fig. 1A and have the same structure as is disclosed in Donnelly (Office Action dated February 7, 2007, p. 7). As amended, Claim 1 clearly provides a physical distinction between embossed sites and non-embossed sites. Specifically, the Applicants recite that **embossed sites are non-densified and non-embossed sites are densified**. Thus, an embossed site is clearly **physically distinct** from a non-embossed site and as a result, a structure with adhesive on the non-embossed sites only (as is claimed) is different and non-obvious from a combination of references which discloses adhesive on the embossed sites only (as is disclosed by Donnelly in view of Ruppel). Further, the Applicants maintain their arguments from the previous response dated November 2, 2006 that an embossed site is structurally distinct from a non-embossed site. Thus, inverting Fig. 3 in Donnelly will not yield the same product as is claimed by the Applicants and illustrated in Fig. 1A because applying adhesive to a non-embossed site is novel over applying adhesive to a structurally distinct embossed site.

Therefore, Donnelly in view of Ruppel does not teach, suggest, or motivate one of skill in the art to make a product comprising, *inter alia*, non-adhesively bonded non-densified embossed sites and adhesively bonded densified non-embossed sites as is claimed by the Applicants. As a result, the Applicants respectfully submit that the rejection of Claims 1-9 under 35 U.S.C. §103(a) is improper and should be withdrawn.

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Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejections for double patenting and the rejections under 35 U.S.C. §102(b) and 35 U.S.C. §103(a). Early and favorable action in the case are respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1-9 and 24 are respectfully requested.

Respectfully submitted,

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